



The Wellness Coalition

Increase Profits

*with a
Smoke-free
Policy*



**A Guide for Apartment
Owners and Managers**



Introduction

Dear Property Managers and Owners:

The Wellness Coalition is working with multi-unit housing communities throughout the River Region to help protect area residents from the dangers of secondhand smoke. One of the best ways to do this is through the voluntary adoption of smoke-free housing policies.

In addition to the health benefits for both residents and property staff, many additional benefits exist for properties that voluntarily adopt smoke-free housing policies.

For instance:

- There are **significant financial benefits** to adopting smoke-free policies.
- Having a smoke-free policy helps to protect and maintain the **value of your property**.
- There are significant savings through reduced turnover costs and faster turnover of units for new residents.
- Smoke-free policies can also help **reduce fire risks** that could leave you legally and financially vulnerable.
- Smoke-free policies can also **protect you from potential lawsuits** brought by residents exposed to unwanted secondhand smoke.

Smoke-free policies are legal, affordable, and easy to develop.

According to the Department of Housing and Urban Development, “going smoke-free in your multi-unit buildings is one of the best moves you can make for your tenants and your bottom line.”

Another benefit of making your community smoke-free is an increase in marketing appeal. Did you know that the **majority of multi-unit housing residents are nonsmokers**? In fact, a significant percentage of renters would **prefer nonsmoking apartments**, and many would even **pay more to live in smoke-free communities**.

The Wellness Coalition can help you take advantage of the excellent opportunities associated with smoke-free policy adoption and can provide you with the resources needed to give your residents what they want. We look forward to working with you and making it as easy as possible for you to work towards making your multi-unit housing properties smoke-free.

Sincerely,



Ghandi Daniels
Executive Director
The Wellness Coalition



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Reasons for smoke-free housing:

FINANCIAL SAVINGS

Every time a resident vacates a unit, it has to be cleaned in preparation for a new tenant. Apartment turnover costs can be two to seven times greater when smoking is allowed, compared to the cost of maintaining and turning over a smoke-free unit.

- Smoke-free policies protect and maintain the value of your property by **lowering the cost of refurbishment and repair.**
- With a smoke-free property, you won't have to waste hundreds of hours and thousands of dollars on **maintenance and restoration.**
- Going smoke-free also protects and maintains the **resale value of your property.**
- A nonsmoking policy may qualify your property for a **lower insurance rate.** Some insurance companies give a credit or premium reduction to landlords if they don't allow smoking in their building(s).

Costs to Rehabilitate a Unit Where Smoking is Prohibited vs. a Unit Where Smoking is Allowed

	No Smoking	Light Smoking	Heavy Smoking
General Cleaning	\$240	\$500	\$720
Paint	\$170	\$225	\$480
Flooring	\$50	\$950	\$1,425
Appliances	\$60	\$75	\$490
Bathroom	\$40	\$60	\$400
TOTAL	\$560	\$1,810	\$3,515

Data reflects surveys from housing authorities and subsidized housing facilities in New England collected and reported by Smoke-Free Housing New England.
 Source: <https://www.enterprisecommunity.org/download?fid=8166&nid=3729>

Reasons for smoke-free housing:

INCREASED MARKETABILITY

- Despite increasing demands, few apartment buildings are completely smoke-free. **Capitalize on this market gap** by highlighting your smoke-free status when marketing your property.
- **Approximately 75 percent of tenants want to live in a smoke-free environment.** By including that your building is smoke-free, you can attract more attention to your listing.
- Advertising units as nonsmoking makes them **more desirable to new residents** who either don't smoke or don't wish to live in smoky conditions.
- A significant percentage of renters prefer nonsmoking apartments, and **many would even pay more to live in smoke-free housing.**
- By telling their insurance company they live in a smoke-free building, **residents may see their renters' insurance premiums reduced.**

Source: Information incorporated/modified from: the Oklahoma State Department of Health's Smoke-Free Multi Unit Housing: A Healthy Business Decision Landlord Manual, the U.S. Department of Housing and Urban Development's Smoke Free Housing: A Toolkit for Owners/Management Agents of Federally Assisted Public and Multi-family Housing, the State of Rhode Island Department of Health's Smoke-Free Housing: A Rhode Island Landlord's Guide, and Smoke-freeHousingNY.org's New York Landlord Smoke-Free Housing Toolkit



Reasons for smoke-free housing:

CONSUMER PREFERENCE

- Numerous surveys show a high demand for smoke-free apartment buildings.
- Nationwide, less than **21 percent of the general population smokes**. It makes sense that a majority of residents want to live in a smoke-free environment.
- People know that secondhand smoke is harmful to their health and don't want the smell of someone else's smoke in their homes. The smell and residue are very difficult for residents to eliminate. Instead of risking feeling ill and having their clothing and furniture absorb the smoke/smell, **many people are more likely to look for someplace else to live**.
- As the number of residences and businesses with smoke-free policies increases, **people have come to expect buildings free from smoke damage** and may not even consider a property with smoking in its past.

Source: Information incorporated/modified from: the Oklahoma State Department of Health's Smoke-Free Multi Unit Housing: A Healthy Business Decision Landlord Manual, the U.S. Department of Housing and Urban Development's Smoke Free Housing: A Toolkit for Owners/Management Agents of Federally Assisted Public and Multi-family Housing, the State of Rhode Island Department of Health's Smoke-Free Housing: A Rhode Island Landlord's Guide, and Smoke-freeHousingNY.org's New York Landlord Smoke-Free Housing Toolkit

Reasons for smoke-free housing:

REDUCTION OF LIABILITY

- Smoking is a known cause of residential fires, causing injury, death, and **millions of dollars in damages**; it is the number one cause of fire deaths in the U.S.
- Smoke-free policies reduce health and fire risks that could leave you **legally and financially vulnerable**.
- Smoke-free policies **protect you from potential lawsuits brought by residents** exposed to unwanted secondhand smoke exposure.

Information incorporated/modified from: the Oklahoma State Department of Health's Smoke-Free Multi Unit Housing: A Healthy Business Decision Landlord Manual, the U.S. Department of Housing and Urban Development's Smoke Free Housing: A Toolkit for Owners/Management Agents of Federally Assisted Public and Multi-family Housing, the State of Rhode Island Department of Health's Smoke-Free Housing: A Rhode Island Landlord's Guide, and Smoke-freeHousingNY.org's New York Landlord Smoke-Free Housing Toolkit

Reasons for smoke-free housing:

HEALTH & SECONDHAND SMOKE

- Exposure to secondhand smoke is a health hazard. Secondhand smoke is not just a nuisance; **it is dangerous.**
- The United States Environmental Protection Agency classifies secondhand smoke as a “Class A” carcinogen, which puts it in the **same category as asbestos** and other carcinogens.
- Secondhand smoke contains Benzene, Formaldehyde, Arsenic Ammonia, Vinyl Chloride, Hydrogen Cyanide, and other **toxic substances.**
- Secondhand smoke is the **third leading cause of preventable death in the United States.** It causes approximately 7,300 lung cancer deaths and 34,000 heart disease deaths in adult nonsmokers in the United States each year.
- **Children exposed to secondhand smoke** are more likely to develop bronchitis, pneumonia, asthma, and ear infections.
- Once in a room, **secondhand smoke can linger for hours.**

6 Major Conclusions of the Surgeon General’s Report

Smoking is the single greatest avoidable cause of disease and death. In this report, The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General, the Surgeon General has concluded that:

1. Millions of Americans, **including children**, are still exposed to secondhand smoke in their homes and workplaces despite substantial progress in tobacco control.
2. Secondhand smoke causes **premature death and disease in children** and in adults who do not smoke.
3. Children exposed to secondhand smoke are at increased risk for **sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more severe asthma.**
4. Secondhand smoke has **immediate adverse effects in nonsmoking adults**, specifically on the cardiovascular system, and can cause heart disease and lung cancer.
5. There is **no risk-free level of exposure** to secondhand smoke.
6. Eliminating indoor smoking **fully protects nonsmokers from exposure** to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilation cannot eliminate exposure of nonsmokers to secondhand smoke.

E-CIGS / VAPOR PRODUCTS

What are E-Cig/Vapor Products?

- E-cigarettes come in many shapes and sizes. Most have a battery, a heating element, and a place to hold a liquid.
- E-cigarettes produce an aerosol by heating a liquid that usually contains nicotine—the addictive drug in regular cigarettes, cigars, and other tobacco products—flavorings, and other chemicals that help to make the aerosol. Users inhale this aerosol into their lungs. Bystanders can also breathe in this aerosol when the user exhales into the air.
- E-cigarettes are known by many different names. They are sometimes called “e-cigs,” “e-hookahs,” “mods,” “vape pens,” “vapes,” “tank systems,” and “electronic nicotine delivery systems (ENDS).”
- Some e-cigarettes are made to look like regular cigarettes, cigars, or pipes. Some resemble pens, USB sticks, and other everyday items. Larger devices such as tank systems, or “mods,” do not resemble other tobacco products.
- Using an e-cigarette is sometimes called “vaping.”
- E-cigarettes can be used to deliver marijuana and other drugs.

What’s in E-Cig Vapor and Do Consumers Know?

The e-cigarette vapor or aerosol that users breathe from the device and exhale can contain harmful and potentially harmful substances, including:

- Nicotine
- Ultrafine particles that can be inhaled deep into the lungs
- Flavoring such as diacetyl, a chemical linked to a serious lung disease
- Volatile organic compounds
- Cancer-causing chemicals
- Heavy metals such as nickel, tin, and lead

It is difficult for consumers to know what e-cigarette products contain. For example, some e-cigarettes marketed as containing zero percent nicotine have been found to contain nicotine.

What are the Health Effects of Using E-cigarettes?

E-cigarettes are fairly new, and scientists are still learning about their long-term health effects. Here is what we know:

- Most e-cigarettes contain nicotine, which is highly addictive.
- Nicotine is toxic to developing fetuses.
- Nicotine can harm adolescent brain development, which continues into the early to mid-20s.
- Nicotine is a health danger for pregnant women and their developing babies.

Why Include E-cigarettes in Smoke-free Housing Policies?

Adding e-cigarettes to smoke-free housing restrictions is an easy way to protect your tenants' health and limit property damage.

- Defective e-cigarette batteries have caused fires and explosions, some of which have resulted in serious injuries. Most explosions happen when e-cigarette batteries are being charged.
- E-liquids come in fun flavors like bubble gum, cherry, and chocolate that appeal to children, who may taste or drink the liquid. Even a small amount can be deadly to a child.



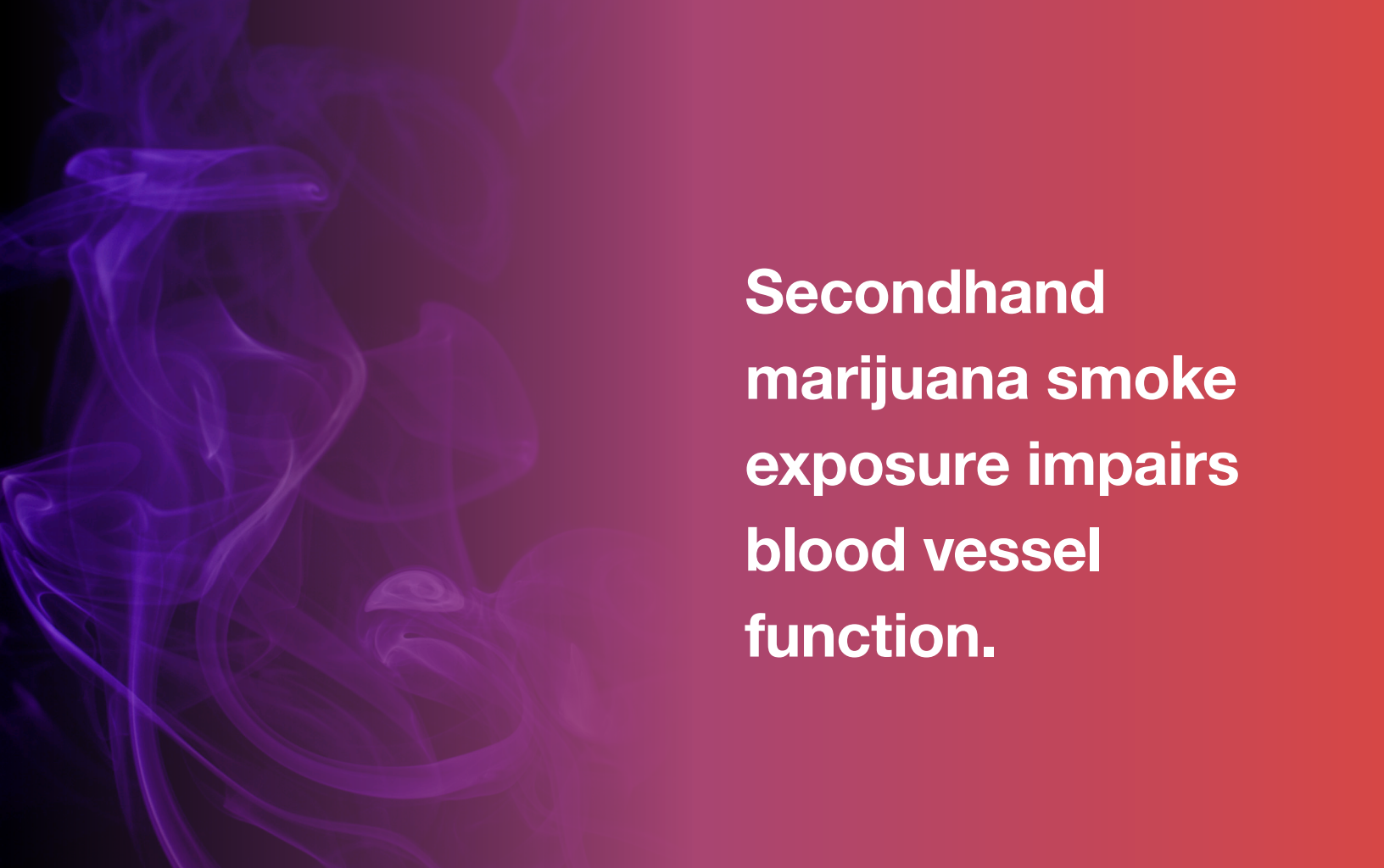
Besides nicotine, e-cigarette aerosol (vapor) can contain substances that harm the body. This includes cancer-causing chemicals and tiny particles that reach deep into lungs.

MARIJUANA

Secondhand Marijuana Smoke Contains Hundreds of Chemicals — Just Like Secondhand Tobacco Smoke

Several peer-reviewed and published studies indicate that exposure to secondhand marijuana smoke can have health and safety risks for the general public, primarily due to its similar composition to secondhand tobacco smoke.

- Secondhand smoke from marijuana contains fine particulate matter that can be breathed deeply into the lungs, which can cause lung irritation, asthma attacks, and makes respiratory infections more likely. Exposure to fine particulate matter can exacerbate health problems, especially for people with respiratory conditions like asthma, bronchitis, or COPD.
- Secondhand marijuana smoke and secondhand tobacco smoke is similar in many ways. More research is needed, but the current body of science shows that both tobacco and marijuana smoke have a similar chemical composition and suggests that they may have harmful cardiovascular health effects, such as atherosclerosis (partially blocked arteries), heart attack, and stroke.
- Secondhand smoke from marijuana has many of the same chemicals as smoke from tobacco, including those linked to lung cancer.
- Particle concentrations from dabbing and vaporizing marijuana can create levels of indoor air pollution similar to those seen in extreme air pollution events like wildfires and severe industrial pollution. Exposure at these concentrations can cause cardiovascular and respiratory disease.
- Published studies on rats show thirty minutes of exposure to secondhand marijuana smoke at levels comparable to those found in restaurants that allow cigarette smoking led to substantial impairment of blood vessel function.
- People who are exposed to secondhand marijuana smoke can have detectable levels of THC (tetrahydrocannabinol) in their blood and urine.
- Marijuana smoke exposure has a greater and longer-lasting effect on blood vessel function than exposure to secondhand tobacco smoke.
- Marijuana also can be contaminated with mold, insecticides, and other chemicals that may be released in secondhand smoke.



Secondhand marijuana smoke exposure impairs blood vessel function.

Key Takeaways for Medical Marijuana in Multi-family Housing

- Banning the use or possession of marijuana on site **does not violate any landlord/tenant or fair housing laws**, even where marijuana has been legalized by local ordinance or state statute.
- The use or cultivation of marijuana in multi-family housing **is not a reasonable accommodation**, even if that use or cultivation is medically recommended for treatment of a disability.
- Marijuana is **not currently classified under federal law as having an accepted medical use in treatment**; physicians cannot prescribe it but can recommend its use for their patients to treat various medical conditions.

ALABAMA CLEAN INDOOR AIR ACT

In the late 1990's there was a trend around the country to pass smoke-free laws. In 2003, Alabama joined the effort to protect workers and visitors from the harms of secondhand smoke in public places by passing the Clean Indoor Air Act (CIAA). The act prohibits persons from smoking in a public place or at a public meeting; requests employers adopt a smoking policy, provide smoke-free areas in places of employment; and prescribes penalties for violations. (Some places are excluded from this regulation.) Public places include:

- Child care facilities
- Hospitals, healthcare clinics, doctors' offices, physical therapy facilities, and dentists' offices
- Elevators
- Buses, taxicabs, and other means of public conveyance
- Government buildings, except private offices
- Restrooms
- Service lines
- Polling places
- Public areas of aquariums, galleries, libraries, and museums
- Lobbies, hallways, and other common areas in apartment buildings, senior citizen residences, nursing homes, and other multiple-unit residential facilities
- Schools or other school facilities or enclosed school sponsored events for grades K-12
- Retail establishments, excluding restaurants, except areas in retail establishments not open to the public
- Lobbies, hallways, and other common areas in multiple-unit commercial facilities
- The Alabama Department of Public Health has the responsibility of enforcing CIAA. The Alabama Board of Health amended its Administrative Code establishing procedures to be followed by enforcement personnel in investigating complaints of violations of CIAA. Get more answers to frequently asked questions about CIAA.

Important Updates

Since the passage of CIAA in 2003, Alabama lawmakers have sought to provide more comprehensive protection to citizens from secondhand smoke. In addition to CIAA, many municipalities have passed local ordinances to protect citizens from secondhand smoke.

Sign Requirements

The Clean Indoor Air Act requires persons in charge of facilities covered by the Act to prominently post and maintain "No Smoking" signs which includes a pictorial representation of a burning cigarette enclosed in a circle with a bar across. "Smoking Area" signs shall also be posted as appropriate in public places. The Wellness Coalition may be able to help you acquire these signs at no cost to you.

Duties of Proprietors

A person in charge of a public place is required by the Act to inform persons smoking in a nonsmoking area that smoking is not permitted in that area by law. If the individual refuses to stop smoking in a nonsmoking area, the person in charge may discontinue service to that individual and may contact local law enforcement.

Employers have a duty to communicate the smoking policy to all employees and supply a written copy of the policy upon request.

Signs which meet the requirements outlined in the section above must be clearly posted and maintained.

Frequently Asked Questions

See the full list of Frequently Asked Questions at alabamapublichealth.gov/tpts/faq.html.



The Alabama legislature passed the CIAA to protect the public's health and the health of employees from the dangers of exposure to secondhand smoke.



Legal Info

Are you reluctant to consider adopting no-smoking or smoke-free policies due to concerns about the legality of the issue? The law is on your side. Here's what you should know:

Smoke-Free Policies Are Legal

It is legal to prohibit smoking or use of any tobacco product at your properties. The Alabama Clean Indoor Air Act states that owners, operators, managers, or other persons who control any establishment or facility may declare and enforce a nonsmoking policy in the entire establishment or facility.

As such, smoke-free policies are like any other lease provision, such as trash disposal or pet restrictions, and can be implemented and enforced just like any other lease policy, even inside individual units and outdoor areas, so long as guidelines are followed.

Smoke-Free Policies Are Non-Discriminatory

- You are not unlawfully discriminating against smoking tenants or violating a smoker's fundamental right to privacy by banning smoking in common areas or individual units. All claims to the contrary have no legal basis.
- Smokers are not protected under any state or federal laws, and smoking is not a "protected category" nor is addiction to nicotine considered a disability.
- To help protect against any charges of targeting smokers or discrimination, you can focus on the activity of smoking and not on smokers. Smoke-free means "no smoking," not "no smokers."

Smoke-Free Policies Don't Infringe on Individual Rights

There is no legally recognized "right to smoke." When smoke-free laws, ordinances, or policies are debated, the claim of a "right to smoke" is frequently raised by those opposing the policies. However, courts have considered the argument that individuals have a right to smoke and have consistently found that no such right exists.

STEPS FOR SUCCESS

Property managers and owners who have implemented smoke-free rules report that they are easy to implement and easy to enforce. Going smoke-free can seem like a big task to take on but it doesn't have to be. The following steps will help you have a better understanding of what needs to be done and provide resources to assist you in doing so.

1 Develop A Smoke-Free Rule

Your first step to going smoke-free is deciding what the policy will include and when it will take effect, and then writing or obtaining lease language that reflects these decisions. Your rule can apply to the entire property, including indoor common areas, individual units, private outdoor areas and outdoor common areas.

A rule that covers the whole property will have the biggest impact on reducing cleaning and repair costs, reducing fire risk, and making the building healthier for residents. It is also the easiest rule to enforce because there are no exceptions. A comprehensive rule should also specify that it pertains to residents' guests, security and maintenance workers, and other visitors to the property. If you cannot go smoke-free on the entire property, an alternative includes a smoke-free rule for all units and indoor areas. Involve residents in the rule-developing process.

2 Educate Your Residents

Once you have developed a smoke-free rule, take the time to educate residents. More than anything else, getting residents to understand why you are going smoke-free will help with compliance. Let residents know that your concern about smoking in the building led to the development of this rule. Point out the many benefits of going smoke-free, highlighted in this guide.

One way to inform residents of the smoke-free rule is to send out a letter or notice that includes:

- What the rule covers
- Reasons for the rule (reducing fire risk, improving health, protecting property units, etc.)
- Effective date
- Cessation resources

Offer cessation options to those residents who wish to quit smoking. The Wellness Coalition can supply you with free resources to help residents quit.



3 Implement the Rule

How you implement a smoke-free rule will depend on the type of leases you have in your building.

New leases: Include the smoke-free rule in all new leases for residents who move in on or after the effective date of implementation.

Current leases: Many landlords add the smoke-free rule when a lease expires and during lease renewal. The nonsmoking clause can be added sooner if a resident voluntarily agrees to a lease change before his or her lease expires.

Tip 1: A smoke-free rule can be easily implemented when opening a new building or when re-leasing a unit that has just been renovated.

Tip 2: Offer incentives for residents to sign no-smoking lease addendums early, ahead of renewal. These could be gift certificates, privileged use or discounted use of one of the building's amenities, etc.

4 Enforce the Rule

A smoke-free rule is just like any other rule you enforce. Having a consistent response to violations will make sure current and future residents, as well as staff, understand that this policy is clear and is handled just like any other policy. Enforcement becomes more difficult if you decide to grandfather people because the other residents will not know who is grandfathered and who is not.

Here are some tips to help residents comply:

- Advertise the units as smoke-free to attract residents who want a smoke-free home environment. Talk to prospective residents about the rule when showing the property.
- Post signs in the building and on the property indicating it is smoke-free.
- Remove all ashtrays and clean up any tobacco litter.
- Respond quickly and consistently to violations.
- Use the same enforcement methods for smoking rule violations as you use for any other violation.
- Inform residents that if they smoke in prohibited places they will be in violation of their leases.
- Provide smokers who are interested in quitting with information on how to quit smoking.

Sample Resource:

SMOKE-FREE TENANT SURVEYS

(Date)

Dear Residents of **(Building/Complex/Community Name)**:

To protect their residents and property from the hazards of secondhand smoke, many residential buildings owners are adopting no-smoking policies. In Alabama, the smoking/vaping of tobacco products in most public places and indoor places of employment has been prohibited since the passage of the Alabama Clean Indoor Air Act in 2003. To ensure an environment where everyone can live and breathe smoke-free, **(Name of Property)** is researching the potential adoption of a no-smoking policy.

Please answer to the questions below so that we may review this issue with your input. Return your responses to **(Location on Property)** by **(Time)** on **(Date)**, so we can consider your comments.

Circle "Yes" or "No" for each question. Add any additional comments at the bottom.		
Do you use smoke tobacco, which includes cigarettes, electronic cigarettes, or vapor products?	YES	NO
If Yes: Do you smoke in your unit?	YES	NO
Do you allow guests or others to smoke (including tobacco, electronic cigarettes or vapor products) in your unit?	YES	NO
Can you smell tobacco smoke from other units when in your apartment?	YES	NO
Can you smell tobacco smoke when in the hallway/common areas?	YES	NO
Would you be in favor of a smoke-free policy for this building? (Smokers can still live in the building but cannot smoke in the building.)	YES	NO

Comments: _____

(Date)

Dear Valued Tenant:

The **(Name of Building Management or Property)** is interested in the safety and comfort of tenants, providing an enjoyable living experience for all. There has been a growing body of evidence, summarized in the 2006 U.S. Surgeon General report on secondhand smoke that confirms no risk-free level of exposure. According to the Surgeon General, secondhand smoke can be particularly dangerous to children, adults, children with asthma, and people with heart or breathing problems. We have decided to review our smoking policy in light of these findings. We value your tenancy and would appreciate your input so that we can design a policy that is equitable to our residents and provides guidance as to where smoking will or will not be permitted. We believe a revised policy will reduce complaints from tenants and between neighbors about drifting secondhand smoke. All answers will be kept confidential.

Fill in the blanks or circle "Yes" or "No" for the following questions.		
Number of years you have been a resident.	Years	
Total number of people living in your unit.	People	
Number of children (under 18) living in your unit.	Children	
Number of people who smoke (including tobacco, electronic cigarettes or vapor products) that live in your unit.	People	
Does anyone living in the unit smoke (including tobacco, electronic cigarettes or vapor products) in the unit?	YES	NO
Are visitors or workers allowed to smoke (including tobacco, electronic cigarettes or vapor products) in your unit?	YES	NO
Have you experienced secondhand tobacco smoke drifting into your unit?	YES	NO
If yes: Please describe where smoke is coming from, for example: hallway, adjacent patio, adjoining apartment, etc.:		
Would you favor a policy to make this building smoke-free? (Smokers can still live in the building, but there will be no-smoking in any indoor area including common areas and private units.)	YES	NO
Should there be a designated smoking area outside?	YES	NO
Please list any other areas of the building or grounds that you would like to see designated as smoke-free:		

Name (please print): _____ Unit #: _____

Please return your completed form to (Location on Property) by (Time) on (Date), so we can consider your comments.

Sample Resource:

NOTIFICATION LETTERS

(Date)

Dear Resident:

(Property Name) has decided to adopt a smoke-free policy to provide a healthier environment for all residents. The harmful effects of secondhand smoke, increased maintenance costs, and fire danger caused by indoor smoking are simply too great to ignore.

As of **(Date)**, **(Property Name)** will be smoke-free (including tobacco, electronic cigarettes or vapor products). This means that there will be no carrying or use of a lit tobacco product (including tobacco, electronic cigarettes or vapor products) in indoor common areas or private areas of the property. (Owner may add outdoor areas such as balconies and terraces.) This policy includes tenants as well as guests, maintenance personnel, and staff. Existing smokers who reside in this building will be “grandfathered,” and thus allowed to continue smoking in their units, until (date depends on terms of lease and/or rules governing the type of housing), at which time they also must smoke outside.

This policy was passed to protect the health of our residents, staff, and guests. Secondhand smoke is a Class A carcinogen, which means it is a cancer-causing agent with no risk-free level of exposure. Secondhand smoke can travel through doorways, windows, wall joints, plumbing spaces, and even light fixtures, so secondhand smoke from one unit can adversely affect the health of residents in other units. In addition, fires caused by smoking-related materials are the number one cause of home fire deaths.

If you or your family members are interested in more information on smoke-free living, please visit the following website: thewellnesscoalition.org/tobacco. The website will also link you to a number of resources that can help if you are thinking about quitting smoking.

Please feel free to contact **(Name of Employee/Property Manager)** or me if you have any questions. We will be happy to assist you in any way possible to work toward a smooth transition.

Sincerely,

(Name)

(Title)

(Date)

Dear Resident:

(Property Name) has decided to adopt a smoke-free policy which includes tobacco, electronic cigarettes or vapor products to provide a healthier environment for all residents. The harmful effects of secondhand smoke, increased maintenance costs, and fire danger caused by indoor smoking are simply too great to ignore. A smoke-free policy for individual units will be phased in as leases are renewed.

Secondhand smoke is a serious health hazard. According to the Surgeon General, exposure to secondhand smoke leads to approximately 48,000 deaths per year. There is no risk-free level of secondhand smoke exposure; even brief exposure can be harmful to health. Secondhand smoke is also particularly dangerous to children and has been linked to Sudden Infant Death Syndrome (SIDS). In addition, smoking is the leading cause of residential fire-related deaths in the U.S.

This is an issue for the entire residential complex because tobacco smoke travels from unit to unit. Secondhand smoke can seep through outlets in walls and spread through air conditioning and heating systems. The remodeling required to prevent secondhand smoke transfer can be costly and ineffective. The only effective method to stop the spread of secondhand smoke is through the adoption of a no smoking policy.

Smoking (including tobacco, electronic cigarettes or vapor products) will not be prohibited in individual units until leases come up for renewal. However, all leases from this point forward will include a smoke-free addendum.

Please consider this letter notice about the changes that will be taking place upon your next lease renewal. The intention of the new policy is to enable everyone to breathe clean, tobacco-free air.

Sign and return the bottom portion of this letter to management by (Time) on (Date).

Regards,

(Name)

(Property Manager/Owner/Etc.)

I understand and agree to abide by the policies contained in this letter.

Name (please print): _____ Unit #: _____

Signature: _____ Date: _____

Sample Resource:

LEASE ADDENDUM

Tenant and all members of Tenant's family or household are parties to a written lease with Landlord. This lease addendum states the following additional terms, conditions, and rules which are hereby incorporated into the lease. A breach of this lease addendum shall give each party all the rights contained herein, as well as the rights in the Lease.

1. Purpose of No-Smoking Policy.

The parties desire to mitigate (i) the irritation and known adverse health effects of secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; (iii) the increased risk of fire from smoking; and (iv) the higher costs of property insurance for a non-smoke-free building.

2. Definitions:

"Smoke" or "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" also includes the use of an electronic smoking device.

"Electronic smoking device" means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah.

3. Scope of Smoke-Free Policy

Tenant agrees and acknowledges that the premises to be occupied by Tenant and members of Tenant's household have been designated as a smoke-free living environment. Tenant, members of Tenant's household, and any guests under control of the Tenant will not smoke anywhere:

- In the unit rented by Tenant, including any associated balconies, decks, or patios;
- In the common areas of the property, including, but not limited to, lobbies, hallways, stairwells, elevators, laundry rooms, community rooms, community bathrooms, or offices; or
- On the grounds of the property, including, but not limited to, entryways, playgrounds, pool areas, walking paths, or sitting areas.

4. Tenant to Promote No-Smoking Policy and to Alert Landlord of Violations

Tenant will inform Tenant's guests of the smoke-free policy. Tenant will also promptly give Landlord a written statement of any incident where Tenant observes smoking not allowed by this policy or believes smoke is migrating into the Tenant's unit from sources outside of the Tenant's unit.

5. Landlord to Promote No-Smoking Policy.

Landlord will post no-smoking signs at entrances and exits, common areas, and in conspicuous places adjoining the grounds of the property. Landlord will also take reasonable steps to promptly remedy known and reported violations of the smoke-free policy. Landlord is not required to take steps in response to smoking unless Landlord knows of the violation.

[Consider referencing your process for handling lease violations or establishing a graduated enforcement protocol that describes how a first, second, and subsequent violations will be handled as well as what will be considered evidence of smoking].

6. Other Tenants are Third-Party Beneficiaries of Tenant’s Agreement

Tenant agrees that other Tenants of the rental community are third-party beneficiaries of Tenant’s smoke-free Lease Addendum with Landlord. A Tenant may sue another Tenant for an injunction to prohibit smoking or for damages but does not have the right to evict another Tenant. Any lawsuit between Tenants does not create a presumption that the Landlord breached this Lease Addendum.

7. Effect of Breach and Right to Terminate Lease

Tenant acknowledges that a breach of this Lease Addendum will render Tenant liable to Landlord for the costs to repair Tenant’s unit due to damage from smoke odors or residue. A breach of this Lease Addendum gives each party all the rights contained herein, as well as the rights in the Lease. A material breach of this Lease Addendum is a material breach of the Lease and grounds for immediate enforcement action, including termination of the Lease by the Landlord.

8. Disclaimer by Landlord

Tenant acknowledges that Landlord’s adoption of a smoke-free living environment and the efforts to designate the premises as smoke-free do not in any way change the standard of care that Landlord or its managing agents would have to a Tenant to render buildings and premises designated as smoke-free any safer, more habitable, or improved in terms of air quality standards than any other rental premises. Landlord specifically disclaims any implied or express warranties that the building, common areas, or Tenant’s premises will have any higher or improved air quality standards than any other rental property. Landlord cannot and does not warranty or promise that the rental premises or common areas will be free from secondhand smoke. Landlord and its managing agents are not the guarantor of Tenant’s health or the smoke-free condition of the premises. Tenant acknowledges that Landlord’s ability to police, monitor, or enforce the agreements of this Lease Addendum is dependent in significant part on voluntary compliance by Tenant and Tenant’s guests. Tenants with respiratory ailments, allergies, or any other physical or mental condition relating to smoke are put on notice that Landlord does not assume any higher duty of care to enforce this Lease Addendum than any other landlord obligation under the Lease.

LANDLORD

TENANT

Date: _____

Date: _____

FREQUENTLY ASKED QUESTIONS

What is considered a smoke-free dwelling or apartment?

A smoke-free apartment is one where smoking is not permitted in the unit and adjacent units sharing the same common air handling or HVAC system. This assures that cigarette smoke or vapor will not drift from one unit to another.

Is it illegal for a landlord or owner to designate units smoke-free?

It is legal for a landlord or apartment building owner or manager to designate rental units as smoke-free. Because the preference for smoke-free properties is increasing, it is also an economic advantage for landlords and owners to market at least some properties as smoke-free. In some cases, residents are willing to pay a premium to rent smoke-free apartments.

Don't individuals have a "right" to smoke in their homes if they choose?

There is no legal right to smoke. Smokers are not a protected class under the Civil Rights Act of 1964 or other federal law.

What is the landlord and/or owner's role in protecting residents from secondhand smoke?

Reasonable accommodation for a resident with a disability made worse by exposure to secondhand tobacco smoke may be required under the Fair Housing Act.

Won't a landlord's or owner's insurance protect him/her from liability for residents' injuries resulting from secondhand smoke?

If a resident is injured or made seriously ill by involuntary exposure to smoke and chooses to take legal action, insurance might not cover that liability, especially if there is a pollution exclusion in the owner's commercial general liability policy.

Do smoke-free policies work only in higher-end properties?

No. Many local housing managers are already enjoying success with smoke-free policies at all types of properties.

How can I enforce a smoke-free policy in my building?

In most worksites and other public areas, little policing is needed to ensure that the policy is followed. The policy should be discussed with your Leasing and Housing Attorney, and it should be known that after instituting the policy you may be considered liable to keep the building smoke-free. The same policies you would use for eviction for other rule violations could be applicable, so long as you have outlined the smoke-free policy properly on the lease. This may involve giving a set number of warnings before threat of eviction. In general, if your tenants realize you are determined to keep your property smoke-free, most will follow the policy.

My tenants are complaining about secondhand smoke. What can I do about it until the smoke-free policy goes into effect?

Ask tenants to smoke outside or away from the building. You could try to reduce the secondhand smoke drifting between your tenants' units by sealing the units off or by improving the ventilation, but be aware that neither will eliminate the problem. The Fair Housing Act may require that residents with disabilities made worse by exposure to secondhand smoke be reasonably accommodated.

Why is there a growing concern about secondhand smoke in places of residence?

The U.S. Centers for Disease Control and Prevention states that 50,000 deaths occur annually as a result of secondhand smoke-related illness, such as heart disease, lung cancer, asthma and other respiratory problems. Secondhand smoke is a carcinogen, a substance with no safe level for exposure. The only way to prevent these outcomes with certainty is to prohibit smoking in workplaces, public spaces, and residences.

Will I lose my money if I implement a smoke-free policy?

No, quite the opposite. Smoke-free policies save you money. A unit where smoking is allowed can cost you two to seven times as much to turn over as a smoke-free unit would cost. This translates to anywhere between \$400 to \$3,000 more than the average cost per turnover due to increased labor, paint, carpeting, laminate, and furniture replacement. A smoke-free policy may also help save money on property casualty insurance and will most certainly reduce your risk of fire. According to the U.S. Centers for Disease Control and Prevention and the National Fire Protection Association, smoking-related fires are the number one cause of home fire deaths and one of the top causes of residential property damage.



A unit where smoking is allowed can cost you two to six times as much to turn over as a smoke-free unit would cost.

RESOURCES

Tobacco Quitline

English: 1-800-QUIT-NOW (1-800-784-8669)

Spanish: 1-855-Déjelo-Ya (1-855-335-3569)

The Tobacco Quitline will connect you to counseling and information about quitting smoking. The Quitline is a free phone-based service available to residents 13 years or older.

Health

American Cancer Society

1599 Clifton Rd. NE • Atlanta, GA 30329

1-800-227-2345 • www.cancer.org

The American Cancer Society (ACS) provides information learn about the health hazards of smoking and how to become an ex-smoker. Check online or call to find your local office.

American Heart Association

7272 Greenville Ave. • Dallas, TX 75231

(214) 373-6300 • 1-800-242-8721 (for local chapter)

www.americanheart.org

The American Heart Association (AHA) provides books, tapes, and videos on how smoking affects the heart. A guidebook is also available on weight control and quit-smoking programs.

American Legacy Foundation

1001 G St. NW, Ste. 800 • Washington, DC 20001

(202) 454-5555 • www.americanlegacy.org

The American Legacy Foundation® develops programs that address the health effects of tobacco use, especially on vulnerable populations.

American Lung Association

1301 Pennsylvania Ave. NW, Ste. 800

Washington, DC 20004

(202) 785-3355 • 1-800-LUNG-USA (for local chapter)

www.lungusa.org

The American Lung Association helps smokers who want to quit through its Freedom From Smoking® self-help program available at www.ffsonline.org. The Lung Association also provides public information on the health effects of smoking on its website or by calling 1-800-LUNG-USA.

Asthma and Allergy Foundation of America

1233 20th St. NW, Ste. 402 • Washington, DC 20036

(202) 466-7643 • (800) 727-8462 • www.aafa.org

The Asthma and Allergy Foundation of America (AAFA) and its volunteers work to develop and implement public policies to improve the quality of life for people with asthma and allergies.

Campaign for Tobacco Free Kids

1400 I St. NW, Ste. 1200 • Washington, DC 20005

www.tobaccofreekids.org • info@tobaccofreekids.org

The Campaign for Tobacco Free kids is a leading advocacy organization working to reduce tobacco use and its deadly consequences in the U.S. and around the world through strategic communications and policy advocacy campaigns.

Public Health Institute

555 12th St., 10th Floor • Oakland, CA 94607

(510) 285-5500 • www.phi.org

The Public Health Institute (PHI) is an independent, nonprofit organization dedicated to promoting health, well-being, and quality of life for people throughout California, across the nation, and around the world.

Housing and Legal

ChangeLab Solutions

2201 Broadway, Ste. 502 • Oakland CA 94612

(510) 302-3380 • www.changelabsolutions.org

ChangeLab Solutions provides information about smoke-free housing resources, including policy and legal information, and smoke-free housing related publications.

National Apartment Association

4300 Wilson Blvd., Ste. 800 • Arlington, VA 22203

(703) 518-6141 • www.naahq.org

National Center for Healthy Housing

10320 Little Patuxent Pkwy., Ste. 500 • Columbia, MD 21044

1-877-312-3046 • www.nchh.org

The National Center for Healthy Housing is a nonprofit corporation dedicated to creating healthy and safe homes for children with a focus on indoor health hazards.

National Consumer Law Center

7 Winthrop Square • Boston, MA 02110

(617) 542-8010 • www.nclc.org

The National Consumer Law Center is a nonprofit advocacy organization for economically disadvantaged Americans.

Public Health Law & Policy

2201 Broadway, Ste. 502 • Oakland, CA 94612

(510) 302-3380 • www.phlpnet.org

Public Health Law & Policy (PHLP) partners with government agencies, advocates, and other community leaders to provide practical solutions to a wide range of public health problems.

Rental Protection Agency

1-866-828-9101 • www.rentalprotectionagency.com

The Rental Protection Agency is the consumer protection agency for the rental industry and provides free resources for the remediation of landlord/resident disputes.

Tobacco Control Legal Consortium

875 Summit Ave. • St. Paul, MN 55105

(651) 290-7506 • www.tclconline.org

The Tobacco Control Legal Consortium is a network of legal programs supporting tobacco control policy change in the U.S.

Government

Centers for Disease Control and Prevention

Office on Smoking and Health

Mailstop K-50, 4770 Buford Hwy. NE • Atlanta, GA 30341

(770) 488-5705 • 1-800-232-4636

www.cdc.gov/tobacco/osh

CDC's Office on Smoking and Health funds booklets on smoking topics such as relapse, helping a friend or family member quit smoking, the health hazards of smoking, and the effects of parental smoking on teenagers.

National Cancer Institute

Building 31, Room 10A24

9000 Rockville Pike • Bethesda, MD 20892

1-877-448-7848 • www.cancer.gov

Quit-smoking LiveHelp, an online text messaging service, and the toll-free quitline (1-877-44U-Quit).

Smoke-free.gov

www.smoke-free.gov

The information and professional assistance available on this website can help to support both your immediate and long-term needs as you become, and remain, a nonsmoker.

United States Department of Housing and Urban Development Office of Healthy Homes and Lead Hazard Control

451 Seventh St., SW, Room 8236 • Washington, DC 20410

(202) 755-1785, ext. 7698 • www.hud.gov/lead

The office enforces HUD's lead-based paint regulations and provides public outreach and technical assistance to help protect children and their families from other health and safety hazards in the home.

United States Environmental Protection Agency (EPA) Indoor Air Quality Information Clearinghouse

P.O. Box 37133 • Washington, DC 20013

(703) 356-4020 • 1-800-438-4318 • www.epa.gov/smoke-free

EPA has developed a number of free resources, including the Smoke-free Homes Community Action Kit, Planning Guide for Pledge Events, and Local Programs Promoting Smoke-free Homes Booklets, that are designed to help you start a local smoke-free homes program and educate the public about the health risks associated with exposure to secondhand smoke.

Other

Americans for Nonsmokers' Rights

2530 San Pablo Ave., Ste. J • Berkeley, CA 94702

(510) 841-3060 • www.no-smoke.org

Americans for Nonsmokers' Rights is the leading national lobbying organization dedicated to nonsmokers' rights and protecting nonsmokers from exposure to secondhand smoke.

Rent Control and Drifting Smoke

(Article for Landlords)

www.smoke-freeapartments.org

Smoke-free Apartments is an on-line registry for apartment owners who have chosen to establish a total or partial nonsmoking policy in their buildings.



Final Word

Smoke-Free is **LEGAL.**

Smoke-Free is **PROFITABLE.**

Smoke-Free is **EASY.**

Congratulations on making the decision to go smoke-free! Whether you are launching a new property or changing the policy for an existing one, going smoke-free protects both the health of your residents and the value of your property.

Everyone deserves to breathe clean air, especially at home. In a multi-unit building, 35 to 65 percent of the air in any given unit is shared air from other units and common areas. No air ventilation system or air purifier can remove all of the toxins found in cigarette smoke, so residents are breathing in what their neighbors are breathing out.

Living in a building where smoking indoors is allowed increases the risk of heart attacks, stroke, lung cancer, and early death. Babies who breathe secondhand smoke are more likely to die from SIDS (crib death), and children who are exposed to secondhand smoke have an increased risk of asthma attacks and infections caused by tobacco smoke, including bronchitis, pneumonia and ear infections.

Going smoke-free doesn't mean that you prohibit smokers from living in your building; it simply means that smoking is not permitted in any indoor units or common areas. Implementing a smoke-free policy is an important way to encourage healthy living and ensure a safer living environment for your tenants.

The market for smoke-free housing is growing. Renters are becoming increasingly aware of the dangerous health effects of smoking and secondhand smoke, and health-conscious and eco-friendly renters want to live in smoke-free buildings.

For additional assistance, please call The Wellness Coalition at (334) 293-6502.



The Wellness Coalition

(334) 293-6502 | thewellnesscoalition.org

3060 Mobile Highway, Montgomery, Alabama 36108



TheWellnessCoalition



@WellnessAlabama

Made possible with funding from the Centers for Disease Control and Prevention.